

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

October 18, 2002

Before

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

Hon. ANN CLAIRE WILLIAMS, *Circuit Judge*

No. 00-4276

Promatek Industries, Limited.,
Plaintiff-Appellee,

v.

Equitrac Corporation,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District
of Illinois, Eastern Division.

No. 00 C 4999

Milton I. Shadur,
Judge.

ORDER

The slip opinion issued in the above-entitled cause on August 13, 2002 is hereby amended as follows:

On page 9, the second-to-last sentence of the first paragraph (beginning “It is Equitrac’s use of the term..”) should be removed and replaced with the following: “The problem here is not that Equitrac, which repairs Promatek products, used Promatek’s trademark in its metatag, but that it used that trademark in a way calculated to deceive consumers into thinking that Equitrac was Promatek. *Id.*”

Immediately following the sentence to be inserted above, the following footnote should be inserted: “It is not the case that trademarks can *never* appear in metatags, but that they may only do so where a legitimate use of the trademark is being made.”